

BILL NO. G-71-07-14

GENERAL ORDINANCE NO. G- With Division

AN ORDINANCE prohibiting open burning within the City of Fort Wayne and prescribing penalties.

WHEREAS, the discharge into the outdoor atmosphere of air contaminants so as to cause pollution and create a public nuisance is contrary to the public policy of the City of Fort Wayne, Indiana and the provisions of this ordinance; and

WHEREAS, open burning of combustible materials contributes to the pollution of the atmosphere and is therefore detrimental to the health, welfare, and comfort of the citizens and residents of the City of Fort Wayne, Indiana and constitutes a public nuisance;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. No person shall conduct, cause, engage in, or permit open burning in the City of Fort Wayne, Indiana, without first securing a permit therefor as provided in Section 3 hereof from the Board of Public Safety of the City of Fort Wayne, Indiana.

SECTION 2. For the purposes of this ordinance, the following terms shall, unless the context otherwise requires, have the following meanings:

- (a) "Open burning" is any burning of combustible materials wherein the products of combustion are emitted directly into

the open air without passing through a stack or chimney; provided however, that the use of an outdoor grill, broiler, brazier or oven, employed in the preparation of food, shall not constitute open burning within the meaning of this section.

(b) "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent, heir or assign.

SECTION 3. A permit for open burning may be issued by the Board of Public Safety of the City of Fort Wayne upon proper application for the following purposes only:

(a) The training of local fire department personnel.

(b) The training of industrial fire department personnel.

(c) Controlled burning to eliminate a threat to public health and welfare.

(d) Controlled burning to prevent the spread of fire or any other legitimate purpose in which the public benefit outweighs the damage to the environment as determined by the Board of Public Safety.

SECTION 4. Any person found guilty of a violation of this ordinance shall, upon conviction, be subject to a penalty not exceeding three hundred dollars (\$300.00) for each violation. Each day's violation shall constitute a separate offense.

SECTION 5. This Ordinance shall become effective upon its passage, approval by the Mayor, and publication as required by law.

APPROVED AS TO FORM
AND LEGALITY.

CITY ATTORNEY

Councilman

Read the first time in full and on motion by Robinson seconded by

Tipton and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the Three Rivers City Plan

Co-ordinating Commission ~~Commission for recommendation~~) (and Public Hearing to be held after due legal notice,

at the Council Chambers, City Hall, Fort Wayne, Indiana, on

the _____ day of _____ 19 _____, at _____ o'clock

P.M., E.S.T.

Date: 7-13-71

Thaddeus Bonachum
City Clerk

Read the third time in full and on motion by _____

seconded by _____ and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES _____, NAYS _____, ABSTAINED _____, ABSENT _____ to-wit:

Adams	_____	_____	_____	_____
Dunifon	_____	_____	_____	_____
Fay	_____	_____	_____	_____
Geake	_____	_____	_____	_____
Nuckols	_____	_____	_____	_____
Robinson	_____	_____	_____	_____
Rousseau	_____	_____	_____	_____
Steigerwald	_____	_____	_____	_____
Tipton	_____	_____	_____	_____

Date 7-27-71

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)~~ (General) ~~(Annexation)~~ ~~(Special)~~ ~~(Appropriation)~~ Ordinance ~~(Resolution)~~ No. 9

on the 27th day of July, 19 71.

ATTEST:

(SEAL)

City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 19 71 at the hour of 8:30 o'clock PM, E.S.T.

City Clerk

Approved and signed by me this _____ day of _____, 19 _____, at the hour of _____ o'clock _____ M., E.S.T.

Mayor

Bill No. G-71-07-14

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
prohibiting open burning within the City of Fort Wayne and prescribing penalties.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance be with drawn PASS.

HERBERT G. TIPTON, Chairman

JACK K. DUNIFON, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. CEAKE

JOHN H. ROBINSON

Herbert G. Tipton
Jack K. Dunifon
Thomas G. Adams
W. S. Schenck

CONCURRED IN
DATE 11-23-71 LEAD G. BONAHOOM, CITY CLERK